

MONDAY, APRIL 7, 1997

TWENTY-SIXTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by John R. Vaughn, Graymere Church of Christ, Columbia, Tennessee.

Representative Sands led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Boyer; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 513: Rep(s). Brooks as prime sponsor(s).

House Bill No. 514: Rep(s). Eckles, Chumney and Turner (Hamilton), Maddox, Fitzhugh, Stamps and McDaniel as prime sponsor(s).

House Bill No. 583: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 674: Rep(s). Buck as prime sponsor(s).

House Bill No. 731: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1099: Rep(s). Langster as prime sponsor(s).

House Bill No. 1187: Rep(s). Patton and Ford as prime sponsor(s).

House Bill No. 1331: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1336: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1739: Rep(s). Tidwell as prime sponsor(s).

House Bill No. 1814: Rep(s). Miller, Bowers and U. Jones as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). McDaniel was/were removed as sponsor(s) of **House Bill No. 1650**.

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 22, 124, 129, 148, 149, 150 and 153; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 22** -- General Assembly, Directed Studies - Directs joint study relative to issuance of Lifetime Sportsman License by TWRA. by *Cooper.

***Senate Joint Resolution No. 124** -- Memorials, Government Officials - Urges Tennessee Wildlife Resources Agency to honor 1986 commitment to permit hunters of Reelfoot Lake to hunt from registered blinds for rest of their lives. by *Herron.

***Senate Joint Resolution No. 129** -- Highway Signs - "Lee-Steedman Bridge," S.R. 255 (Harding Place) at I-65, Davidson County. by *Henry, *Rochelle.

Senate Joint Resolution No. 148 -- Memorials, Sports - 1996-1997 Perry County High School varsity cheerleading squad. by *Springer.

Senate Joint Resolution No. 149 -- Memorials, Personal Occasion - Mr. and Mrs. Frank Martin, 50th wedding anniversary. by *Cooper.

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Senate Joint Resolution No. 150 -- Memorials, Retirement - Mildred M. Cater. by *Harper.

Senate Joint Resolution No. 153 -- Naming and Designating - Hepatitis Awareness Month, May. by *Miller J.

RULES SUSPENDED

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 166 out of order, which motion prevailed.

House Joint Resolution No. 166 -- Memorials, Sports - University of Tennessee Lady Vols Basketball Team, 1997 NCAA Basketball Champion. by *Head.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 167 out of order, which motion prevailed.

House Joint Resolution No. 167 -- General Assembly, Joint Conventions - University of Tennessee Lady Volunteers, 1997 NCAA Women's Basketball National Champions, April 9, 1997, 3:00 p.m. (CDT). by *Hargrove, *McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. Hargrove, with the request that all members voting aye be added as sponsors, the resolution was adopted.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 9, 1997:

House Joint Resolution No. 165 -- Memorials, Sports - 1996-97 Martin Junior High School Cheerleaders, third place in National Cheerleaders Association competition. by *Maddox.

House Joint Resolution No. 170 -- Memorials, Sports - 1996-1997 University of Tennessee, Chattanooga, men's basketball team, "Sweet Sixteen" participant. by *McAfee, *Wood, *Stulce, *Turner (Hamilton), *Sharp, *Brown.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 9, 1997:

Senate Joint Resolution No. 148 -- Memorials, Sports - 1996-1997 Perry County High School varsity cheerleading squad. by *Springer.

Senate Joint Resolution No. 149 -- Memorials, Personal Occasion - Mr. and Mrs. Frank Martin, 50th wedding anniversary. by *Cooper.

Senate Joint Resolution No. 150 -- Memorials, Retirement - Mildred M. Cater. by *Harper.

DELAYED BILLS REFERRED April 7, 1997

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1964, was/were referred to the Delayed Bills Committee.

House Bill No. 1964 -- Food and Food Products - Enacts Foreign Foods Disclosure Act of 1997 Amends TCA. by *Cole (Dyer), *Rinks, *Phelan, *Fitzhugh, *Garrett, *McDaniel, *McKee, *Walley, *Pinion, *Maddox, *Naifeh, *Hargrove, *Westmoreland, *Kisber, *Gunnels, *Givens.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 43** -- Capitol - Requires state capitol commission to develop and implement policy on additions and improvements to Bicentennial Mall. by *Henry. (HB200)

Senate Bill No. 77 -- Sunset Laws - Deletes from sunset provisions vocational training centers, board of directors. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 11. by *Springer. (*HB173)

Senate Bill No. 79 -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Springer. (*HB172)

Senate Bill No. 84 -- Sunset Laws - Post-conviction defender commission, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 30. by *Springer. (*HB181)

Senate Bill No. 95 -- Sunset Laws - Enterprise zone management board, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 28. by *Springer. (*HB174)

***Senate Bill No. 559** -- Motor Vehicle Commission - Increases from four to six consumer members of motor vehicle commission. Amends TCA Title 55, Chapter 17. by *Koella. (HB950)

***Senate Bill No. 706** -- Alcoholic Beverages - Permits sale of beer in 22, 25.4 and 40 ounce containers. Amends TCA Section 57-6-104(i). by *Cohen. (HB1313)

***Senate Bill No. 1467** -- Municipal Government - Revises Public Building Authorities Act of 1971. Amends TCA Title 12, Chapter 10. by *Koella. (HB823)

***Senate Bill No. 1602** -- Tennessee Regulatory Authority - Changes designation from "directors of Tennessee regulatory authority" to "commissioners"; changes designation of "executive secretary" to "executive director." Amends TCA Title 65, Chapter 2, Part 1. by *Gilbert, *Atchley, *Crutchfield, *Elsa, *Haynes. (HB1089)

***Senate Bill No. 1636** -- Alcoholic Beverages - Permits home manufacture of beer for personal consumption. Amends TCA Title 39, Chapter 17, Part 7. by *Cohen. (HB1358)

***Senate Bill No. 1722** -- Municipal Government - Authorizes Mount Juliet to impose \$10.00 court cost on traffic and criminal violations for traffic regulation subject to local approval Amends TCA Title 6, Chapter 2. by *Rochelle. (HB1640)

Senate Bill No. 1955 -- Baxter - Subject to local approval, restricts board's power to override mayor's veto to ten days after adoption of ordinance; permits three aldermen to call special meeting Amends Chapter 35 of the Private Acts of 1915; as amended. by *Burks. (HB1949)

CONSENT CALENDAR

***House Bill No. 280** -- Taxes, Sales - Increases apportionment percentage from .75 to 1.0 percent over three years of municipal state sales tax revenue share for University of Tennessee Municipal Technical Advisory Service. Amends TCA Section 67-6-103(a)(3)(E). by *West. (SB339 by *Haynes)

House Bill No. 362 -- Highway Signs - "J.R. Cole Memorial Bridge," U.S. 64/S.R. 15, Wayne County. by *White, *Tidwell. (*SB187 by *Wilder)

On motion, House Bill No. 362 was made to conform with **Senate Bill No. 187**; the Senate Bill was substituted for the House Bill.

***House Bill No. 457** -- Highway Signs - "Lt. Alexander Bonnyman Memorial Bridge," Pellissippi Parkway in Knox County. by *Ritchie. (SB584 by *Gilbert, *Koella, *Atchley)

On motion, House Bill No. 457 was made to conform with **Senate Bill No. 584**; the Senate Bill was substituted for the House Bill.

House Bill No. 744 -- General Services, Dept. of - Directs department to provide lighting patterns of Tennessee Tower for holidays and to non-profit organizations and community events. Amends TCA Title 4, Chapter 3, Part 11. by *West. (*SB1085 by *Haynes)

House Bill No. 1233 -- Appropriations - Prohibits reversion of funds for inventory of public infrastructure needs and proration of payments to counties and municipalities under state Revenue Sharing Act in advisory commission on intergovernmental relations budget; permits other funds to revert subject to approval of chair. Amends TCA Title 4, Chapter 10 and Title 67, Chapter 9. by *Kisber. (*SB825 by *Rochelle)

House Bill No. 1235 -- Local Government, General - Expands range of study topics for TACIR. Amends TCA Title 4, Chapter 10. by *Kisber. (*SB823 by *Rochelle)

House Bill No. 1271 -- Managed Care Organizations - Authorizes non-profit HMO created prior to 1/1/81 by Blue Cross/Blue Shield to be treated as subsidiary of Blue Cross solely to determine status of HMO as admitted asset, provided Blue Cross has net worth at least equal to capital and surplus requirements of law for insurance company. Amends TCA Title 56, Chapter 2. by *Rhinehart. (*SB521 by *Rochelle)

On motion, House Bill No. 1271 was made to conform with **Senate Bill No. 521**; the Senate Bill was substituted for the House Bill.

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House Bill No. 1336 -- Criminal Procedure - Changes from 14 to 30 days notice requirement for scheduled parole hearing. Amends TCA Section 40-28-505. by *Boner, *Jones, S., *Odom, *Goins, *Hargett, *Haley, *Pleasant. (*SB488 by *Haynes)

***House Bill No. 1646** -- Tennessee Housing Development Agency - Reconfigures board to six appointed members (two members each appointed by governor, speakers of senate and house of representatives) and three constitutional officers; reduces quorum requirements accordingly. Amends TCA Title 13, Chapter 13, Part 1. by *Williams (Williamson). (SB1833 by *Haynes)

House Bill No. 1739 -- Highway Signs - "Veterans Memorial Parkway," segment of U.S. 64 (S.R. 15), Wayne County. by *White. (*SB1773 by *Wilder, *Kyle, *Dixon)

On motion, House Bill No. 1739 was made to conform with **Senate Bill No. 1773**; the Senate Bill was substituted for the House Bill.

House Bill No. 1904 -- Taxes, Ad Valorem - Eliminates requirement that amount paid in lieu of taxes by hotel and motel lessees, ten years after completion of project on leased property, be not less than ad valorem taxes due on current market value of property. Amends TCA Title 7, Chapter 53, Part 3. by *Miller L. (*SB1851 by *Cohen)

House Bill No. 1955 -- Anderson County - Subject to local approval, establishes position of general sessions judge, Division II, as full time. Amends Chapter 459 of the Private Acts of 1947, as amended. by *Caldwell. (SB1962 by *McNally)

House Bill No. 1956 -- Tullahoma - Subject to local approval, revises charter. Amends Chapter 553, Acts of 1903, as amended. by *Lewis.

House Bill No. 1957 -- Cocke County - Subject to local approval, revises whitewater rafting tax. Amends Chapter 116 of the Private Acts of 1995. by *Davis R. (SB1964 by *Haun)

House Bill No. 1959 -- Manchester - Subject to local approval, revises charter. Amends Chapter 273 of the Private Acts of 1959, as amended. by *Lewis.

***House Joint Resolution No. 54** -- Memorials, Congress - Memorializes Congress to appropriate funding replacement of the Chickamauga Lock. by *Newton, *Sharp, *Bird, *Stulce, *Wood, *McAfee, *Brown, *Turner (Hamilton).

***House Joint Resolution No. 73** -- General Assembly, Confirmation of Appointment - Charles E. Peavyhouse, Hixson, Wildlife Resources Commission. by *Sharp, *McAfee, *Wood.

***House Joint Resolution No. 101** -- Highway Signs - "Great Bone Cave Highway," U.S. 70S, Van Buren County. by *Rhinehart.

House Joint Resolution No. 162 -- Memorials, Sports - 1996-1997 Cosby High School boys' basketball team, TSSAA Class A state tournament participant. by *Davis R.

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House Joint Resolution No. 163 -- Memorials, Public Service - John and Hilda Vaughn, 30th year anniversary, Graymere Church of Christ. by *Sands.

House Joint Resolution No. 164 -- Memorials, Professional Achievement - Willie Baker, 1997 Recognition Award, MTSU African American History Month Committee. by *Sands.

Senate Joint Resolution No. 112 -- Naming and Designating - "Upper Cumberland Drinking Water Month," May 1997. by *Burks.

Senate Joint Resolution No. 122 -- Naming and Designating - "National Crime Victim's Rights Week," April 13-19, 1997. by *Burks, *Jordan, *McNally, *Harper, *Kyle, *Gilbert, *Dixon, *Rochelle, *Burks, *Williams, *Herron, *Fowler.

Senate Joint Resolution No. 144 -- Memorials, Sports - Kirk Haston, 1997 TSSAA Class A "Mr. Basketball." by *Springer.

Senate Joint Resolution No. 145 -- Memorials, Sports - Coach Jill Prudden, Oak Ridge High School girls' basketball team. by *McNally, *Davis L.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1233; by Rep. Brooks

House Bill No. 1646; by Rep. Stamps

Under the rules, House Bill(s) No(s): 1233 and 1646 was/were placed at the foot of the calendar for April 9, 1997.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs,

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Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 184** -- Sunset Laws - Tennessee Ocoee development agency, June 30, 1999. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 9. by *Kernell, *Garrett, *Brooks. (SB85 by *Springer)

Further consideration of House Bill No. 184, previously considered on March 3, 1997, and March 17, 1997, and reset to today's Calendar.

Rep. Kernell moved that **House Bill No. 184** be re-referred to the Committee on Calendar and Rules, which motion prevailed.

***House Bill No. 180** -- Sunset Laws - Domestic violence state coordinating council, June 30, 1999. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 12. by *Kernell, *Garrett, *Brooks. (SB83 by *Springer, *Dixon)

Further consideration of House Bill No. 180, previously considered on March 26, 1997, and reset to today's Calendar.

On motion, House Bill No. 180 was made to conform with **Senate Bill No. 83**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 83, be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 83 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 38-12-104, is amended by deleting such section in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 83**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1186 -- Highway Signs - Gives preference for placement on sign assembly to business with greatest eligibility distance when two or more valid competing applications for participation in TODS program. Amends TCA Title 54, Chapter 5, Part 13. by *Kerr, *Walker. (*SB951 by *Miller J, *Koella)

Further consideration of House Bill No. 1186, previously considered on March 25, 1997, and March 31, 1997, and reset to today's Calendar.

Rep. Kerr requested that House Bill No. 1186 be moved to the heel of the Calendar.

House Bill No. 1176 -- Taxes, Privilege - Exempts from alcohol privilege tax ethanol sold by holders of valid alcohol fuels or distilled spirits permits in bulk lots of 5,000 gallons or more for certain purposes other than retail sale. Amends TCA Section 57-2-101 and Section 57-3-101. by *Kerr, *Gunnels. (*SB952 by *Miller J)

Rep. Kerr moved that **House Bill No. 1176** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker,

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Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1925** -- County Government - Requires each county official to adopt certain personnel policies. Amends TCA Title 8. by *Curtiss. (SB1895 by *Rochelle)

Rep. Curtiss moved that House Bill No(s). 1925 be reset for the Regular Calendar on Wednesday, April 9, 1997, which motion prevailed.

***House Bill No. 1244** -- Unemployment Compensation - Establishes \$50.00 minimum assessment against employer defaulting on unemployment insurance premiums. Amends TCA Section 50-7-404(c)(2). by *Davis R, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Sargent, *Newton, *Scroggs, *Godsey, *Goins, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1667 by *McNally, *Elsea, *Atchley, *Jordan, *Koella, *Person, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Dixon, *Crutchfield, *Cooper, *Graves)

On motion, House Bill No. 1244 was made to conform with **Senate Bill No. 1667**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that **Senate Bill No. 1667** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 671** -- Sewage - Provides that subsurface sewage disposal system may be repaired if department fails to inspect within 48 hours Amends TCA Title 68, Chapter 221, Part 4. by *Ferguson. (SB1120 by *Davis L)

Rep. Ferguson moved that House Bill No. 671 be passed on third and final consideration.

Rep. Cross moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 671 by deleting the language "within forty-eight (48) hours" in the amendatory language of Section 1 and by substituting instead the language "within four (4) business days".

AND FURTHER amend by adding the following language at the end of the amendatory language of Section 1:

The department shall give priority in inspection of subsurface sewage disposal systems to repair of such systems over issuance of permits for new construction for installation of such systems.

On motion, Amendment No. 1 was adopted.

Rep. Ferguson moved that **House Bill No. 671**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1442 -- Highways, Roads and Bridges - Requires county road superintendent to submit list of all county roads before county legislative body classifies road. Amends TCA Title 54, Chapter 10, Part 1. by *White, *Fowlkes, *Robinson. (*SB1192 by *Henry)

On motion, House Bill No. 1442 was made to conform with **Senate Bill No. 1192**; the Senate Bill was substituted for the House Bill.

Rep. White moved that **Senate Bill No. 1192** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 733 -- Criminal Procedure - Prohibits granting furlough to inmate for purpose of allowing such inmate to celebrate holiday Amends TCA Title 40, Chapter 35 and Title 41, Chapter 2. by *Boner, *Fraley, *West, *Garrett, *Langster, *Robinson, *Stamps, *Jones, S., *Pruitt, *Arriola, *Kisber, *Hargrove, *Halteman Harwell, *Goins, *Hargett, *Haley, *Pleasant. (*SB346 by *Haynes)

Rep. Boner moved that **House Bill No. 733** be passed on third and final consideration with all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt,

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Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 731 -- Courts, Juvenile - Changes appeals of final orders or judgments of juvenile court from circuit court to criminal court. Amends TCA Section 37-1-159. by *Boner, *Goins. (*SB1066 by *Haynes)

Rep. Boner moved that House Bill No. 731 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 731 by deleting Section 1 and by substituting instead the following:

SECTION 1.

(a) Tennessee Code Annotated, Section 37-1-159(a), is amended by deleting the first sentence and by substituting instead the following:

The juvenile court shall be a court of record; and any appeal from any final order or judgment in a delinquency proceeding, filed under this chapter, except a proceeding pursuant to § 37-1-134, may be made to the criminal court or court having criminal jurisdiction which shall hear the testimony of witnesses and try the case de novo; and any appeal from any final order or judgment in an unruly child proceeding or dependent and neglect proceeding, filed under this chapter, may be made to the circuit court which shall hear the testimony of witnesses and try the case de novo.

(b) Tennessee Code Annotated, Sections 37-1-159(b) and (c), are amended by deleting the words "circuit court" wherever they appear and by substituting instead the words "criminal court or circuit court".

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 731**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

OUT OF ORDER

Rep. Rhinehart moved to suspend the Rules to allow House Bill No. 1925 to be heard immediately after House Bill No. 1331, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1331 -- Domestic Violence - Requires rather than authorizes magistrate to impose conditions of bail designed to protect victim or defendant arrested for domestic violence offense or order of protection violation. Amends TCA Title 40, Chapter 11, by "Boner, *Jones, S., *Hargett, *Haley, *Pleasant. (*SB486 by *Haynes)

Rep. Boner moved that House Bill No. 1331 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1331 by deleting from Section 1 the words "shall impose" and by substituting instead the words "shall impose one or more".

On motion, Amendment No. 1 was adopted.

Rep. Boner moved that **House Bill No. 1331**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1925** -- County Government - Requires each county official to adopt certain personnel policies. Amends TCA Title 8. by *Curtiss. (SB1895 by *Rochelle)

Rep. Curtiss moved that House Bill No. 1925 be passed on third and final consideration.

Rep. Brooks moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1925 by inserting the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Curtiss moved that **House Bill No. 1925**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	88
Noes	0
Present and not voting.....	8

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-

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Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood -- 88.

Representatives present and not voting were: Ferguson, Hargrove, Lewis, Newton, Sands, Windle, Winningham, Mr. Speaker Naifeh -- 8.

A motion to reconsider was tabled.

***House Bill No. 469** -- Municipal Government - Permits cities of less than 5,000 population to increase number of aldermen to maximum of four without increasing number of wards. Amends TCA Section 6-3-101. by *Whitson. (SB534 by *Haun)

On motion, House Bill No. 469 was made to conform with **Senate Bill No. 534**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 534, be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Whitson moved that **Senate Bill No. 534** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 400** -- Education - Provides that child considered "withdrawn" from school for purpose of having driver license revoked after seven days, rather than 10 to 15 days, of unexcused absence. Amends TCA Section 49-6-3017, by *Westmoreland, *Godsey, *Mumpower. (SB1171 by *Ramsey)

Rep. Westmoreland moved that **House Bill No. 400** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	81
Noes	5
Present and not voting.....	8

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Boner, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Arriola, Kernell, Lewis, Towns, Turner (Shelby) -- 5.

Representatives present and not voting were: Armstrong, Bowers, Brown, DeBerry L., Hargrove, Jones U., Langster, Miller -- 8.

A motion to reconsider was tabled.

***House Bill No. 1801** -- Employment Security, Dept. of - Revises "included service" and "excluded service"; establishes food stamp overissuance deduction; requires employing unit to keep work records; sets out when such records confidential. Amends TCA 50-7-207(b)(7)(B); 50-7-207(c); Title 50, Chapter 7, Part 6, and 50-7-701(a)(1). by *Gunnels, *McDaniel, *Stamps, *Davis R. (SB1932 by *Miller J, *Atchley, *McNally, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe, *Williams)

Rep. Gunnels moved that House Bill No. 1801 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1801 by deleting from the amendatory language of Section 4 the language "coupons" wherever it appears and by substituting instead the language "benefits".

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On motion, Amendment No. 1 was adopted.

Rep. Gunnels moved that **House Bill No. 1801**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks, Langster -- 2.

A motion to reconsider was tabled.

House Bill No. 895 -- Health - Prohibits charging higher fee for vaccination or inoculation at public clinic to out of county resident when vaccination or inoculation unavailable in person's home county. Amends TCA Title 68. by *Beavers, *Cooper B. (*SB880 by *Jordan)

Further consideration of House Bill No. 895, previously considered on April 2, 1997, at which time the House adopted Amendment No. 1, and reset to today's Calendar.

Rep. Beavers moved that House Bill No. 895, as amended, be passed on third and final consideration.

Rep. Stulce moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 895 by adding the following language at the end of the amendatory language in the original Section 1:

The provisions of this subsection shall not apply in any county having a population of not less than two hundred eighty-five thousand (285,000) nor more than two hundred eighty-six thousand (286,000) according to the 1990 federal census or any subsequent federal census.

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On motion, Amendment No. 2 was adopted.

Rep. Beavers requested that House Bill No. 895 be moved to the heel of the Calendar.

House Bill No. 1099 -- Foster Care - Establishes "Kinship Foster Care Program." Amends TCA Title 37, Chapter 2, Part 4. by *DeBerry L, *Bowers, *Jones, S., *Bird, *Pruitt. (*SB1555 by *Ford J)

Rep. L. DeBerry moved that House Bill No. 1099 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1099 by deleting from Section 3(c)(1) the words "through blood or marriage" and by substituting instead the words and punctuation "through blood, marriage or adoption".

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. L. DeBerry moved that **House Bill No. 1099**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 514** -- Children - Authorizes judge to require noncustodial parent of child to contribute to maintenance and support of custodial parent if custodial parent is a minor. Amends TCA Title 36, Chapter 2 and Section 36-5-102. by *DeBerry J. (SB1187 by *Ramsey, *Leatherwood, *Cohen, *Fowler, *Williams)

On motion, House Bill No. 514 was made to conform with **Senate Bill No. 1187**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that Senate Bill No. 1187, be passed on third and final consideration.

Rep. J. DeBerry requested that Senate Bill No. 1187 be moved to the heel of the Calendar.

House Bill No. 409 -- Correction, Dept. of - Directs department to have each inmate undergo HIV testing during classification Amends TCA Title 41, Chapter 21, Part 1. by *Bowers, *Jones U (Shelby), *Miller L, *Cooper B, *Brooks, *Jones, S.. (*SB415 by *Dixon)

Rep. Bowers moved that House Bill No(s). 409 be reset for the Regular Calendar on Thursday, April 10, 1997, which motion prevailed.

House Bill No. 1186 -- Highway Signs - Gives preference for placement on sign assembly to business with greatest eligibility distance when two or more valid competing applications for participation in TODS program. Amends TCA Title 54, Chapter 5, Part 13. by *Kerr, *Walker. (*SB951 by *Miller J, *Koella)

Further consideration of House Bill No. 1186, previously considered on today's Calendar.

Rep. Kerr moved that House Bill No. 1186 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1186 by adding the following new subsections to the amendatory language of Section 1 of the printed bill:

(c) A business with a TODS sign installed on a particular TODS sign assembly shall retain such TODS sign unless the business fails to comply with all applicable rules and regulations or fails to pay any applicable fees.

(d) When there are (2) or more competing applications for inclusion on a particular TODS sign assembly and the businesses are equidistant in eligibility distance, the business which applies first for inclusion on the TODS sign assembly shall receive preference for placement on such particular TODS sign assembly, provided that the competing applications otherwise equally qualify for participation in the TODS program.

(e) No business shall be eligible for inclusion on a particular TODS sign assembly if such business is greater than the eligibility distance prescribed for such business in the Manual on Uniform Traffic Devices.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1186 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 13, is amended by adding the following language as a new appropriately designated section:

Section 54-5-13___. (a) Notwithstanding any provision of law, rule or regulation to the contrary, when there are two (2) or more competing applications for inclusion on a particular TODS sign assembly, the department shall award installation on such TODS sign assembly to the business from which the department first received a qualified application for such installation.

(b) If the department receives on the same day two (2) or more competing applications for a particular TODS sign assembly and such competing applications qualify for participation in the TODS program, the department shall award installation on such TODS sign assembly to the business with the greatest eligibility distance.

(c) Once the TODS sign of a business has been installed on a particular TODS sign assembly, such business shall have the right to renew such TODS sign notwithstanding the application and qualification of a business with a greater eligibility distance. The provisions of this subsection shall not apply if the business fails to comply with all applicable rules and regulations or fails to pay any applicable fees.

SECTION 2. Tennessee Code Annotated, Section 54-17-109(B)(i), is amended by deleting the figures:

not less than

nor more than

51,000

51,300

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Kerr moved that House Bill No(s). 1186 be reset for the Regular Calendar on Thursday, April 10, 1997, which motion prevailed.

House Bill No. 895 -- Health - Prohibits charging higher fee for vaccination or inoculation at public clinic to out of county resident when vaccination or inoculation unavailable in person's home county. Amends TCA Title 68. by *Beavers, *Cooper B. (*SB880 by *Jordan)

Further consideration of House Bill No. 895, previously considered on today's Calendar, at which time the House adopted Amendment No. 2.

Rep. Beavers moved that House Bill No. 895, as amended, be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 895 by adding between the words "outside the county" and the words "in which" in Section 1(d) the language "but within the state".

On motion, Amendment No. 3 was adopted.

Rep. Beavers moved that **House Bill No. 895**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting.....	4

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

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Representatives present and not voting were: Arriola, Hargrove, Lewis, Williams -- 4.

A motion to reconsider was tabled.

Senate Bill No. 1187 -- Children - Authorizes judge to require noncustodial parent of child to contribute to maintenance and support of custodial parent if custodial parent is a minor. Amends TCA Title 36, Chapter 2 and Section 36-5-102. by *Ramsey, *Leatherwood, *Cohen, *Fowler, *Williams. (*HB514 by *DeBerry J)

Further consideration of Senate Bill No. 1187, previously considered on today's Calendar, at which time the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that Senate Bill No. 1187, be passed on third and final consideration.

Rep. Stulce moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1187 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The father of the child does not have to continue supporting the custodial parent if the custodial parent marries a person other than the father of the child.

Rep. J. DeBerry requested that Senate Bill No. 1187 be moved to the heel of the Announcements.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 333** -- Municipal Government - Sets first election for city commissioners after adoption of initial charter; permits one time extension of terms. Amends TCA Title 6. by *Kent. (SB937 by *Miller J)

Rep. Kent requested that House Bill No. 333 be held on the Clerk's Desk.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 531 -- Utilities, Utility Districts - Authorizes fire service utility district to impose charges on nonsubscriber for cost of services rendered. Amends TCA Title 7, Chapter 86 and Title 7, Chapter 82. by *Clabough, *Kerr. (*SB115 by *Koella)

Senate Amendment No. 1

AMEND House Bill No. 531 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall only apply in counties having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100) according to the 1990 federal census or any subsequent federal census.

Senate Amendment No. 3

AMEND House Bill No. 531 by deleting Section 1 in its entirety, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 82, Part 3, is amended by adding the following language as a new, appropriately designated section:

Section _____. A utility district that dispatches fire trucks and offers other such fire protection services may charge for the services rendered to a non-subscriber when a fire or other dangerous situation is reported by any citizen or emergency communications district. To impose such charges, the utility district's board of commissioners shall establish and publish a schedule of the costs for such services.

Rep. Clabough moved that the House concur in Senate Amendment(s) No(s). 1 and 3 to **House Bill No. 531**, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 155; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 155 -- Memorials, Professional Achievement - John H. Gibbons. by *McNally, *Davis L.

RULES SUSPENDED

Rep. Caldwell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 155 out of order, which motion prevailed.

Senate Joint Resolution No. 155 -- Memorials, Professional Achievement - John H. Gibbons. by *McNally, *Davis L.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Caldwell, the resolution was concurred in.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 1187 -- Children - Authorizes judge to require noncustodial parent of child to contribute to maintenance and support of custodial parent if custodial parent is a minor. Amends TCA Title 36, Chapter 2 and Section 36-5-102. by *Ramsey, *Leatherwood, *Cohen, *Fowler, *Williams. (*HB514 by *DeBerry J)

Further consideration of Senate Bill No. 1187, previously considered on today's Calendar, at which time the House was on the motion to adopt Amendment No. 1, and reset to today's Calendar.

Rep. J. DeBerry moved that Senate Bill No(s). 1187 be reset for the Regular Calendar on Thursday, April 10, 1997, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 983: Rep(s). Buck and Williams as prime sponsor(s).

MONDAY, APRIL 7, 1997 -- TWENTY-SIXTH LEGISLATIVE DAY

House Bill No. 1405: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1588: Rep(s). Halteman Harwell and Wood as prime sponsor(s).

House Bill No. 1869: Rep(s). Pinion as prime sponsor(s).

**SIGNED
April 7, 1997**

The Speaker signed the following: Senate Bill(s) No(s). 1654; also, Senate Joint Resolution(s) No(s). 133, 134, 135, 136 and 137.

**ENROLLED BILLS
April 7, 1997**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 175, 231, 641, 967, 1141, 1366, 1373, 1566, 1864, 1941, 1951 and 1954; House Joint Resolution(s) No(s). 133, 134, 135, 136, 138, 139, 140, 141, 143, 144, 151, 157 and 161; also, House Resolution(s) No(s). 49, 50 and 51.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 7, 1997**

The Speaker signed the following: House Bill(s) No(s). 175, 231, 641, 967, 1141, 1366, 1373, 1566, 1864, 1941, 1951 and 1954; House Joint Resolution(s) No(s). 133, 134, 135, 136, 138, 139, 140, 141, 143, 144, 151, 157 and 161; also, House Resolution(s) No(s). 49, 50 and 51.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS
April 7, 1997**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 166 and 167.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 7, 1997**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1958; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 40, 145, 166 and 167; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1256; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 106, 935, 1664, 1670 and 1766; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 175, 231, 641, 967, 1141, 1366, 1373, 1566, 1864, 1941, 1951 and 1954; also, House Joint Resolution(s) No(s). 133, 134, 135, 136, 138, 139, 140, 141, 143, 144, 151, 157 and 161; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 7, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 13, 87, 428, 429, 605, 648 and 1414; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 13** -- Bail, Bail Bonds - Requires bail bondsmen and bonding agents to print certain consumer information on back of all bail bonds with copy to be given to person entering bail agreement. Amends TCA Title 40, Chapter 11. by *Cohen.

Senate Bill No. 87 -- Sunset Laws - Massage licensure board, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 18. by *Springer.

***Senate Bill No. 428** -- Business Organizations - Requires limited partners to withdraw from partnership in accordance with partnership agreement. Amends TCA Title 61. by *Fowler.

***Senate Bill No. 429** -- Probate Law - Makes various changes to probate, trust, gift and estate provisions. Amends TCA Title 30; Title 31; Title 32; Title 34 and Title 35. by *Fowler.

***Senate Bill No. 605** -- Industrial Development - Revises Tennessee BIDCO Act. Amends TCA Title 45, Chapter 8, Part 2. by *Henry.

***Senate Bill No. 648** -- Taxes, Real Property - Permits county or municipality to estimate general level of local assessment changes if taxes become due prior to disposition of appeals. Amends TCA Title 67, Chapter 5. by *McNally, *Gilbert, *Atchley, *Crutchfield, *Rochelle, *Ford J.

***Senate Bill No. 1414** -- Regional Authorities - Transfers existing positions of Tennessee Elk River development agency to department of environment and conservation. Amends TCA Title 8, Chapter 30 and Title 64, Chapter 1, Part 3. by *Cooper.

ENGROSSED BILLS

April 7, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 280, 400, 671, 731, 733, 744, 895, 1099, 1176, 1235, 1331, 1336, 1801, 1904, 1925, 1955, 1956, 1957 and 1959, also, House Joint Resolution(s) No(s). 54, 73, 101, 162, 163 and 164.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

April 7, 1997

The following local bills have been placed on the Consent Calendar for **April 9, 1997**: House Bill No. 1949.

ROLL CALL

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, April 9, 1997.